

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF WILLOW POINTE)	CASE NO.
SANITATION COMPANY TO FILE REQUIRED)	2011-00348
REPORTS)	

O R D E R

KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires. 807 KAR 5:006, Section 3(1), requires every utility to file with the Commission, on or before March 31 of each year, a financial and statistical report of its utility operations for the preceding calendar year on forms furnished by the Commission. KRS 278.140 requires each utility to file, on or before March 31 of each year, a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year. KRS 278.990 provides penalties for utilities that fail to file the required reports.

Willow Pointe Sanitation Company ("Willow Pointe Sanitation") owns, controls, operates, and manages facilities in the Commonwealth of Kentucky which are used for and in connection with the collection, transmission, or treatment of sewage for the public for compensation. It is, therefore, a utility subject to Commission jurisdiction.¹

¹ KRS 278.010(3)(f).

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or any Commission regulation shall be subject to a civil penalty not less than \$25.00 and not more than \$2,500.

On December 15, 2010, the Commission provided to Willow Pointe Sanitation the standard forms for the annual financial and statistical report and the report of gross earnings from intrastate business for the 2010 calendar year. According to Commission records, Willow Pointe Sanitation has yet to file its sewer annual reports and sewer gross operating reports for the 2009 and 2010 calendar years. The absence of these reports is *prima facie* evidence that Willow Pointe Sanitation willfully failed to comply with KRS 278.140 and 278.230(3).

IT IS THEREFORE ORDERED that:

1. Willow Pointe Sanitation shall file with the Commission, no later than October 20, 2011, its annual reports and gross operating reports for the 2009 and 2010 calendar years.
2. Willow Pointe Sanitation shall appear on October 27, 2011, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of showing cause why it should not be subjected to the penalties of KRS 278.990 for its failure to comply with KRS 278.140 and 278.230(3).
3. If Willow Pointe Sanitation desires to waive its right to a hearing in this matter, it shall, no later than October 20, 2011, file the required reports and pay a penalty of \$250. Payment of the penalty shall be made by certified check or money order made payable to the Treasurer, Commonwealth of Kentucky, and shall be delivered to the Office of General

Counsel, Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort,
Kentucky 40602-0615.

By the Commission

ENTERED ^{PA}
OCT 11 2011
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Carson D. Greenwald
Executive Director

Jerry Deatherage
President
Willow Pointe Sanitation Company
2135 Chamber Center Drive
Mt. Mitchell, KY 41017